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Letter dated 21 December 2000 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I am writing to Your Excellency in order to shed fresh light on an issue which is of utmost importance to my country, as well as to the Turkish Cypriot people. I earnestly hope that after examining the following, from both the historical and the legal points of view, Your Excellency will come to the same conclusions as we have.

On 4 March 1964, the Security Council adopted resolution 186 (1964) which, in paragraph 4, recommended the creation, "*with the consent of the Government of Cyprus*", of a United Nations peacekeeping force in Cyprus. Since the adoption of that resolution, the Greek Cypriot administration has been portraying itself as the sole owner of the title of "*Government of Cyprus*" and conducting day-to-day business in international forums as if it represents the Island and its peoples as a whole. Both historically and legally speaking, this is a baseless claim.

When the partnership "Republic of Cyprus" was created in 1960, all five parties, namely the United Kingdom, Greece, Turkey, the Turkish Cypriots, and the Greek Cypriots, had formulated a Constitution which embodied an agreed politically equal partnership between the Turkish and Greek Cypriots. The President of the Republic was a Greek Cypriot, while the post of Vice-President was filled by a Turkish Cypriot. The legislative authority was vested in a House of Representatives, where both Turkish and Greek Cypriots were represented. Similarly, the Government was also composed of both Turkish Cypriot and Greek Cypriot ministers.

Therefore, when the Security Council adopted resolution 186 (1964) it was only natural to assume that — *although the Turkish Cypriot Vice-President, legislators and ministers were forcibly ousted by the Greek Cypriots from the organs of the state* — the "consent of the Government of Cyprus" would mean the consent of a government that was established and functioning in accordance with the 1960 Treaties and the agreed Constitution stemming from those Treaties.

In fact, the Turkish Cypriots, the Government of Turkey and another guarantor power of the 1960 state of affairs on the Island, namely the United Kingdom, did

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register this understanding with the United Nations, at the time when the said resolution was adopted. Allow me to briefly recall some of these important cornerstones:

1. The views and the reservation of my Government on this issue were brought to the attention of the members of the Security Council, and of the then Secretary-General U Thant, both orally and in writing, on many occasions during the period before and after the adoption of resolution 186 (1964). All relevant documents can be found in the United Nations archives on this point. It is sufficient to quote the following from the letter of the then Turkish Minister for Foreign Affairs, Mr. Feridun Cemal Erkin, addressed to the Secretary-General, which was circulated as an attachment to the Secretary-General's report on the United Nations Peacekeeping Force in Cyprus (UNFICYP) (document S/5593 of 12 March 1964):

> **"... If the task envisaged as a result of the Security Council's resolution is to succeed, the meaning of the term '*Cyprus Government*' as mentioned in the resolution should be made unquestionably clear. All parties concerned should be made unequivocally aware of the fact that this term only means a government which according to the Cyprus Constitution acts and takes decisions with the concurrence of the Turkish Vice-President and its Turkish members. This sine qua non condition should be brought at the outset to the knowledge of whoever would have to deal with the Cyprus problem in any capacity ..."**

2. The Government of the United Kingdom, in replying to the Turkish Foreign Ministry's relevant note verbale on 13 March 1964, stated that **"with regard to the definition of the expression 'Cyprus Government' in the Security Council resolution, Her Majesty's Government are in agreement with the Turkish Government, and have indeed drawn the attention of the Secretary-General of the United Nations to this point in an aide-mémoire which was laid with (him) on 4 March [1964] by the United Kingdom delegate to the United Nations Sir Patrick Dean."** According to the information available to us, the United Kingdom delegate specifically made the point that the term "Cyprus Government" could only mean a government which, according to the Cyprus Constitution, acts and takes decisions with the concurrence of the Turkish Cypriot Vice-President and its Turkish Cypriot members. The above-mentioned aide mémoire also recalled the fact that the British peacekeeping force on the Island, which preceded UNFICYP, **"was properly established with the agreement of both the President and the Vice-President of the Republic of Cyprus."** The aide-mémoire also addressed the issue of the appointment of a mediator and went on to say that **"Her Majesty's Government's view is that until such time as the Constitution of Cyprus and the Agreements are amended through negotiation and with the consent of all the parties, the Government of the Republic of Cyprus, the Guarantor Powers and the United Nations as a whole have no alternative but to conduct their activities in accordance with the Constitution and with the Agreements."**

3. On 7 March 1964, the Vice-President of the partnership Republic of Cyprus, Dr. Fazil Küçük, sent a telegram (document S/5583 of 9 March 1964) to the President of the Security Council in which he stated, inter alia, the following:

> **"... it is imperative that in implementing paragraphs 4 and 7 of resolution 186 (1964), both President and Vice-President are consulted and their consent obtained. Otherwise, as Greek elements of Government are**

determined to disregard Turkish rights and deprive Vice-President of any say in such vital matters, any consultation solely with and obtaining consent only of Greek elements would not, in substance and under Cyprus Constitution, be consultation with or obtaining consent of Cyprus Government as envisaged under the resolution. Relevant to point out that when three guaranteeing powers decided to offer their good offices to Government of Cyprus, offer was made to President and Vice-President. Only after both had accepted was joint truce force established and started operation."

In early 1964, the Greek Cypriots, who had already launched a wide-scale systematic armed attack on Turkish Cypriots in December 1963, managed to take complete de facto control of the then Cyprus Government, declaring unilaterally that the 1960 Constitution was no longer valid. As confirmed in the Secretary-General's report of 12 December 1964 (S/6102, paras. 175, 176, 180, 197, 238), the writ of the Greek Cypriot-usurped Government did not run, however, over the Turkish Cypriot people who defended their vested rights in Turkish enclaves as an equal co-founder partner of the 1960 Republic. The 1960 Constitution, by article 182, expressly provided that its basic articles could not be amended, whether by way of variation, addition or repeal, without the clear consent of the other co-founder of the partnership Republic, in this case the Turkish Cypriots, as well as of the Guarantor Powers. Yet the Greek Cypriots not only unilaterally amended the Constitution, depriving the Turkish Cypriots of their legitimate rights, but also demanded the express and advance agreement of the Turkish Cypriots for these amendments as a condition for their possible return to the organs of the state. Anticipating that this illegal move would not be accepted by the Turkish Cypriots, the Greek Cypriots went ahead with their premeditated plan and soon filled with their kinsmen all the positions having been vacated — against their will — by the Turkish Cypriots.

As one of my earlier predecessors, Ambassador Orhan Eralp, wrote to the then Secretary-General of the United Nations in his letter of 15 April 1964, **"If one of the two communities takes it upon itself to set aside the Constitution, drive out the other community from all organs of government, usurp the power to govern and turn upon the other community in mortal attack, the term '*Government of Cyprus*' loses its meaning. That is in fact what has happened and is happening in Cyprus."**

It will be seen from what has been stated above that, in accordance with resolution 186 (1964) of 4 March 1964, legitimacy under the 1960 state of affairs then established could only ensue in accordance with the 1960 settlement in force at the time of that resolution.

The Greek Cypriots, by ousting their co-partners and co-founders of the Cyprus Republic from all state machinery; by illegally amending the Constitution without any say of the Turkish Cypriots; and finally by declaring the 1960 Constitution **"dead and buried"**, have set up a wholly Greek Cypriot entity, which naturally represents solely the Greek Cypriots who now live in the southern part of the Island.

Therefore, and in the light of the above, legally, morally and historically no one should treat the Greek Cypriot administration as the legitimate "Government of Cyprus", let alone the Government of the Turkish Cypriot

people. The current Greek Cypriot state in the south of the Island cannot and should not be the sole successor of the 1960 partnership Republic of Cyprus.

The treatment of the Greek Cypriot administration as the legitimate "Government of Cyprus" has given the Greek Cypriot party not only political, economic and other advantages at the expense of the Turkish Cypriot people, but it also empowered Greek Cypriots to continue with the inhuman embargoes over Turkish Cypriots, even treating them as "an insurgent minority in Greek Cyprus". This has amounted to the deprivation of the Turkish Cypriot people of the exercise of their equal rights while blocking the realization of a balanced outcome based on the equal status of the two parties in the three decades of negotiations.

I have written in some length. But historical realities, intentionally or unintentionally, are often forgotten or overlooked. With this letter I have presented to you some of the irrefutable facts related to the Cyprus question. These facts lie at the very heart of the Cyprus question and should guide the thinking and actions of all those who have an interest in the resolution of this question.

I would greatly appreciate it if Your Excellency would have the text of the present letter circulated as a document of the General Assembly, under agenda item 64, and of the Security Council.

(Signed) Umit Pamir
Ambassador
Permanent Representative